

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Case No.

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NEW FALLS CORPORATION,

Plaintiff,

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

-against-

SONI HOLDINGS, LLC, KUNAL SONI, ANJALI  
SONI and 632 MLK BLVD JR LLC,

Defendants.

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Plaintiff, by its attorneys, VLOCK & ASSOCIATES, P.C., complains against the  
Defendants as follows:

1. Plaintiff NEW FALLS CORPORATION is a corporation duly organized and  
existing pursuant to the laws of the State of Ohio, with its principal place of business located at  
100 North Center Street, Newton Falls, Ohio 44444.

2. Defendant SONI HOLDINGS, LLC, is a New York limited liability company with  
a principal place of business located at 10 Bel Air Court, Oyster Bay, New York 11771. According  
to a Deed recorded on April 4, 2016, as more fully set forth below, it is claimed that Defendant  
ANJALI SONI is the sole member of Defendant SONI HOLDINGS, LLC. A copy of the Deed,  
together with the appurtenant transfer documents, are attached hereto collectively as Exhibit "A."

3. Defendant KUNAL SONI is an individual residing at 10 Bel Air Court, Oyster Bay,  
New York 11771, and is listed as a manager and/or agent of Defendant SONI HOLDINGS, LLC  
and/or 632 MLK BLVD JR LLC.

4. Upon information and belief, Defendant ANJALI SONI is an individual residing at 10 Bel Air Court, Oyster Bay, New York 11771 and is listed as the sole member of Defendant SONI HOLDINGS, LLC.

5. Upon information and belief, Defendant 632 MLK BLVD JR LLC is a New York limited liability company with a principal place of business located at 10 Bel Air Court, Oyster Bay, New York 11771. According to the Certificate of Correction, dated June 21, 2017, Defendant KUNAL SONI is listed as the sole member and/or authorized agent of Defendant 632 MLK BLVD JR LLC. A copy of Certificate of Correction is attached hereto as Exhibit "B."

#### **JURISDICTION AND VENUE**

6. Jurisdiction over the subject matter of this action is properly in this Court pursuant to 28 U.S.C. § 1332, based upon diversity of citizenship of the parties. As set forth with specificity above, all Defendants are citizens of New York, and the Plaintiff is a citizen of Ohio. The amount in controversy herein exceeds the sum of \$75,000.00.

7. Venue is pursuant to 28 U.S.C. § 1391, as the Defendants reside in the Eastern District of New York.

#### **FIRST CAUSE OF ACTION**

8. On or about May 14, 2007, Defendant SONI HOLDINGS, LLC, for valuable and substantial consideration, executed and delivered to Plaintiff's predecessor-in-interest, AmSouth

Bank, a Note for Business and Commercial Loans (“Note”) for a business loan in the sum of \$301,216.50, to be repaid with interest at the rate set forth therein.

9. The said Note was assigned and transferred to Plaintiff NEW FALLS CORPORATION by Allonge dated September 15, 2015, which is permanently affixed to the Note and made a part thereof.

10. Plaintiff is the owner and holder of the Note.

11. Defendant SONI HOLDINGS, LLC, defaulted under the terms of the Note by failing to pay principal and interest when due.

12. On or about February 22, 2018, a Judgment was entered in the United States District Court, Northern District of Alabama, Case No.17-cv-1330, in favor of Plaintiff, New Falls Corporation, against Defendant, SONI HOLDINGS, LLC, in the sum of \$265,834.84 (“Judgment”).

13. On or about April 18, 2018, the Judgment was docketed in the United States District Court for the Eastern District of New York, in favor of Plaintiff against the Defendant SONI HOLDINGS, LLC., in the sum of \$265,834.84.

14. By deed recorded on April 4, 2016 (“Deed”), the Defendants SONI HOLDINGS, LLC, ANJALI SONI and KUNAL SONI transferred all right, title and interest in and to the real property known as and located at 632-634 Martin Luther King Jr. Boulevard, Newark, New Jersey, and further described as Block No. 103, Lot No. 41, on the tax map of the City of Newark, County of Essex, State of New Jersey, from Defendant SONI HOLDINGS, LLC, to Defendant 632 MLK BLVD JR LLC. *See Exhibit “A.”*

15. The Deed was recorded in the office of the Essex County Clerk on April 4, 2016 at 1:11:09 p.m. under Instrument No. 2016028532. *See Exhibit "A."*

16. The aforesaid transfer and conveyance was made by and/or at the direction of Defendants KUNAL SONI and Defendant ANJALI SONI.

17. The aforesaid transfer and conveyance was made without consideration or without adequate consideration.

18. The aforesaid transfer and conveyance was made at a time when Defendant SONI HOLDINGS, LLC was justly indebted to Plaintiff.

19. Defendant SONI HOLDINGS, LLC is duly indebted to Plaintiff pursuant to the Judgment in the sum of \$265,834.84, together with interest from April 18, 2018.

20. Plaintiff has not been able to satisfy its debt against Defendant SONI HOLDINGS, LLC.

21. Pursuant to New York Debtor and Creditor Law (“DCL”) § 276, the aforesaid transfer and conveyance was made by Defendants with actual intent to defraud, hinder or delay creditors, causing damage to Plaintiff.

### **SECOND CAUSE OF ACTION**

22. Plaintiff repeats and reiterates each and every allegation contained in the above paragraphs, as if more fully set forth at length hereinafter.

23. Pursuant to DCL § 273, the said transfer and conveyance was effectuated by Defendants with intent presumed in law to defraud, hinder and delay creditors, was made without

adequate consideration, and was made at a time when Defendant SONI HOLDINGS, LLC was insolvent, or was thereby rendered insolvent, causing damage to Plaintiff.

### **THIRD CAUSE OF ACTION**

24. Plaintiff repeats and reiterates each and every allegation contained in the above paragraphs, as if more fully set forth at length hereinafter.

25. Pursuant to DCL § 274, the said transfer and conveyance, effectuated by Defendants who were engaged in or about to engage in a business or transaction for which the property remaining in the hands of Defendants after the conveyance is an unreasonably small capital, is fraudulent as to creditors, causing damage to Plaintiff.

### **FOURTH CAUSE OF ACTION**

26. Plaintiff repeats and reiterates each and every allegation contained in the above paragraphs, as if more fully set forth at length hereinafter.

27. Defendants devised and implemented a plan to render Defendant SONI HOLDINGS, LLC wholly insolvent and judgment proof.

28. The said conveyance was made by Defendants with the intent to prevent Plaintiff from recovering on a debt justly owed.

29. By reason of the said plan and the said conveyance, Defendants tortiously interfered with the collectability of the debt owed by Defendant.

30. As a result thereof, Defendants are liable for the damages caused to Plaintiff.

**FIFTH CAUSE OF ACTION**

31. Plaintiff repeats and reiterates each and every allegation contained in the above paragraphs, as if more fully set forth at length hereinafter.
32. There was no legal justification for the aforesaid plan and conveyance, which have caused unjustifiable injury to Plaintiff.

**SIXTH CAUSE OF ACTION**

33. Plaintiff repeats and reiterates each and every allegation contained in the above paragraphs, as if more fully set forth at length hereinafter.
34. Pursuant to DCL § 276-a, Plaintiff is entitled to recover its attorneys' fees and expenses incurred in this action.

**DEMAND FOR RELIEF**

Plaintiff demands judgment against Defendants as follows:

- a. In the sum of \$265,834.84, together with statutory interest from February 22, 2018;
- b. Vacating, voiding and setting aside the Deed recorded on April 4, 2016, with regard to the premises known as and located at 632-634 MLK Jr. Boulevard, Newark, New Jersey, and further described as Block No. 103, Lot No. 41, on the tax map of the City of Newark, County of Essex, State of New Jersey, and restoring title to the premises in the name of Defendant SONI HOLDINGS, LLC;

- c. For attorneys' fees, expenses and costs incurred as a result of this action, in an amount to be determined by the Court; and
- d. For such other and further relief as the Court deems just and proper under the circumstances, together with interest, and the costs and disbursements of this action.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

Dated: New York, New York  
January 22, 2018

VLOCK & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
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By: s/Steven Giordano, Esq.  
Steven Giordano, Esq.